No. 90-959

IN THE

Supreme Court of the United States

OCTOBER TERM, 1990

PATRICK W. SIMMONS, McLAY GRAIN COMPANY,
and EDENFRUIT PRODUCTS COMPANY,
Petitioners,

v.

INTERSTATE COMMERCE COMMISSION,
UNITED STATES OF AMERICA,
CHICAGO AND NORTH WESTERN TRANSPORTATION COMPANY,
and CHICAGO-CHEMUNG RAILROAD CORPORATION,
Respondents.

On Petition for a Writ of Certiorari to the United States Court of Appeals for the Seventh Circuit

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BRIEF FOR THE RAILWAY LABOR EXECUTIVES' ASSOCIATION AS *AMICUS CURIAE* IN SUPPORT OF THE PETITION

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This brief *amicus curiae* is being filed with the written consents of the parties, which have been filed with the Clerk of this Court pursuant to Rule 37.2 of the Rules of this Court. The Railway Labor Executives' Association ("RLEA") urges this Court to grant the petition for a writ of certiorari requested by petitioners to review the decisions by the United States Court of Appeals for the Seventh Circuit in two separate cases.

INTEREST OF *AMICUS CURIAE*

Amicus RLEA is a voluntary, unincorporated association of the chief executive officers of seventeen national and international standard railway labor organizations representing, together with the United Transportation Union ("UTU"), virtually all organized railroad employees in the United States.[1] RLEA has represented the interests of its affiliated organizations before this Court, the Congress and state and federal courts and administrative agencies, including the Interstate Commerce Commission ("ICC" or "Commission"), since its founding in May, 1926. It has presented rail labor's position on matters which affect the interests of railroad employees generally, including, as is relevant to this case, their right to challenge ICC orders approving or permitting transactions which could deprive employees of their employment.

RLEA has been actively involved in appearances before the Congress[2] and this Court[3] as the recognized representative and spokesman for the railroad employees throughout this country on matters in which they share a common interest.

Since its formation the RLEA also has been the spokesman for its affiliated organizations as the duly designated representatives of railroad employees in those matters which generally affect their interests as such representatives.

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[1] The organizations affiliated with the RLEA through the membership of their chief executives are listed in Appendix A to this brief. The chief executive of UTU is not a member of RLEA.

[2] *See e.g., Hearings on S. 1946, Before the Senate Committee on Commerce, Science and Transportation*, 96th Cong., 1st Sess. at 536 (1979).

[3] *See e.g., American Trucking Associations, Inc. v. United States*, 355 U.S. 141, 144, 146-147 (1957); *United States v. Lowden*, 308 U.S. 225, 234, 235-36 (1939).

In the decisions subject to the petition in this case, the Seventh Circuit held that although the employees and their representatives[4] met the requirements of Article III of the United States Constitution for standing to challenge an order of the ICC,[5] neither the employees nor their representatives came within the "zone of interests" standing test set forth in *Association of Data Processing Service Organizations v. Camp*, 397 U.S. 150 (1970). (Pet. App. at 10a.) These decisions of the Seventh Circuit affect all represented employees and all statutory representatives in the railroad industry. These decisions eliminate the ability of rail unions to protect the livelihoods of the workers they represent by prohibiting the employee representatives from appealing to the courts to challenge ill-conceived or ill-considered decisions of the Interstate Commerce Commission.

The ability of the representatives of railroad employees to challenge faulty ICC decisions is of more importance today than ever before in light of shrinking job opportunities in the railroad industry and the decisions of the Commission which, beginning in 1982, have sought to deprive employees of the protections Congress intended for their benefit and have arrogated to that agency authority over the statutory and contract rights of railroad employees. *See e.g. Norfolk & Western Ry. v. ATDA*

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[4] Petitioner Simmons, Legislative Director of the UTU for the State of Illinois, was treated by the court below as appearing on behalf of the UTU and the affected employees represented by that union. *See* Appendix to Petition [hereinafter, "Pet. App."] at 3a-4a n.1. Accordingly, petitioner will be considered as the UTU in this *amicus* brief.

[5] The Article III requirements were articulated by the Seventh Circuit as "(1) the party must personally have suffered an actual or threatened injury caused by the defendants allegedly illegal conduct, (2) the injury must be fairly traceable to the defendant's challenged conduct, and (3) the injury must be one that is likely to be redressed through a favorable decision." Pet. App. at 8a.

[hereinafter, "*N&W v. ATDA*"], Sup. Ct. Nos. 89-1027 and 89-1028 (argued December 3, 1990).

As this Court long-ago recognized (*United States v. Lowden*, *supra*, 308 U.S. at 234):

> One must disregard the entire history of railroad labor relations in the United States to be able to say that the just and reasonable treatment of railroad employees in mitigation of the hardship imposed on them in carrying out the national policy of railway consolidation, has no bearing on the successful prosecution of that policy and no relationship to the maintenance of an adequate and efficient transportation system.

And again (308 U.S. at 235-36):

> The now extensive history of legislation regulating the relations of railroad employees and employers plainly evidences the awareness of Congress that just and reasonable treatment of railroad employees is not only an essential aid to the maintenance of a service uninterrupted by labor disputes, but that it promotes efficiency, which suffers through loss of employee morale when the demands of justice are ignored.

The ICC's course since 1982 has been one of steady and progressive restriction of the rights and benefits which Congress has provided railroad employees in recognition of their value to the maintenance of an adequate and efficient national rail transportation system; a value noted by this Court in *Lowden*, *supra*. The ICC has reached the point of challenging for the first time an employee representative's right to appeal from a Commission order approving, or permitting by exemption from its provisions, a transaction under the Interstate Commerce Act which would cause loss of employment.[6]

[6] While the ICC in the past never questioned the employee representative's right to appear and oppose the transaction before the Commission and first raised such a challenge in the Seventh Circuit, it very recently cited the Seventh Circuit's decisions as au-

Since the Seventh Circuit's deprivation of the right of railroad employees or their representatives to challenge orders of the ICC in the courts is important to all railroad employees and to their representatives, RLEA submits this brief in support of the petition.

SUMMARY OF ARGUMENT

This case presents for this Court's consideration companion decisions by the Seventh Circuit that conflict with decisions by this Court, an express statutory right of intervention, and all recognized norms of standing. This Court should review these decisions for several reasons, not the least of which is the need for this Court to exercise supervisory power over the federal courts to assure that the courts do not unconscionably deny access to the judiciary. Moreover, this Court should grant immediate review of the decisions of the Seventh Circuit as a step toward elimination of the chaos in railroad labor relations which widens and deepens with each successive decision of the ICC. Since 1983 these decisions have progressively eroded the contractual and statutory rights of employees. A partial history of these decisions was brought to the attention of this Court in *N&W v. ATDA*, *supra*. The ICC, within the past month, has used the decisions which are the subject of the instant petition as authority for barring employee representatives from challenging the merits of rail line abandonment applications pending *before the ICC*. Given the effects of these decisions, there are few rights with which the ICC would leave the employees. As the ICC now views the law, railroad employees are prohibited from challenging applications on their merits before the Commission (*So. Pac.*

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thority for denying an employee representative the right to challenge the *merits* of a proposed abandonment of a line of railroad pending *before the Commission. Southern Pacific Transportation Company—Abandonment Exemption—in Mineral County, NV*, Docket No. AB-12 (Sub-No. 124X), served January 23, 1991 (not printed).

Trans., supra), or the courts (Seventh Circuit decisions); and, following ICC approval of such applications, 49 U.S.C. §§ 11341(a) and 11347 authorize the modification or elimination of employees' contract and Railway Labor Act rights as "necessary" to permit the railroad to implement the approval orders. Additionaly, the ICC asserts that 49 U.S.C. § 11341(a) bars employees from recourse to the Railway Labor Act, 45 U.S.C. §§ 151, *et seq.*, to prevent the violation or loss of those rights. *N&W v. ATDA*, Federal Resp. Br.; 6 I.C.C.2d 716.

The decisions of the Seventh Circuit subject to the petition in this case are unprecedented and contravene decisions of this Court, explicit statutory enactments and the history of congressional policy in its regulation of railroad transportation during most of this century.

The decisions contravene this Court's rulings in *Brotherhood of Railroad Trainmen v. Baltimore & Ohio R.R.*, 331 U.S. 519 (1947) and *American Trucking Associations, Inc. v. United States*, 355 U.S. 141 (1957); misapply the "zone of interests" standard as announced in *Association of Data Processing Service Organizations v. Camp*, 397 U.S. 150 (1970), and recently clarified in *Clarke v. Securities Industry Ass'n*, 479 U.S. 338 (1987); and, ignore the statement of this Court in *Warth v. Seldin*, 422 U.S. 490 (1975), that the test does not apply where the party has a statutory right of intervention.

The decisions flout the will of Congress expressed in 49 U.S.C. § 10328(a) granting employee representatives an unconditional right of intervention before the Commission and the courts with all of the rights of a full party, including the right of appeal. The Congress has often amended the Interstate Commerce Act since this Court's decisions in *B&O* and *ATA*, but has not substantively amended Section 10328(a).

Even if the "zone of interest" test were applicable, railroad employee representatives would satisfy it. From

the enactment of the Emergency Railroad Transportation Act of 1933,[7] through the Transportation Act of 1940,[8] to the Railroad Revitalization and Regulatory Reform Act of 1976[9] and the Staggers Rail Act of 1980,[10] the Congress has gone to great lengths to demonstrate its concern for and to protect the interests of railroad employees by protecting those interests as a part of the public interest generally and as essential to an adequate and efficient national rail transportation policy, as recognized by this Court in *United States v. Lowden*, 308 U.S. 225 (1939).

ARGUMENT

I. THE UNPRECEDENTED DECISIONS BY THE SEVENTH CIRCUIT ARE IN CONTRAVENTION OF DECISIONS OF THIS COURT AND THE INTENT OF CONGRESS AS PLAINLY EXPRESSED IN THE INTERSTATE COMMERCE ACT, INCLUDING ITS HISTORICAL CONCERN FOR AND PROTECTION OF THE INTERESTS OF RAILROAD EMPLOYEES

The RLEA respectfully submits that the opening statement of Judge Cudahy's opinion dissenting from denial of rehearing *en banc* is factually and legally accurate (Pet. App. at 13a; footnote omitted):

> This is a decision of exceptional importance since it is the first known instance in a very long history of employee participation where standing has been denied to railroad labor in a proceeding in which job elimination is a consideration. There have, of course, been many thousands of administrative proceedings and appeals to the courts involving line abandonments, mergers, line sales and the like in which em-

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[7] 48 Stat. 211.

[8] 54 Stat. 899.

[9] 90 Stat. 31.

[10] 94 Stat. 1895.

> ployee representatives have participated without question both in the agency and in court. To assert that job protection lies outside the "zone of interests" arguably protected by the ICA seems to me to ignore the history of railroad regulation for most of the twentieth century.

The Congress expressly granted representatives of employees of railroads the right to intervene and be heard in "any proceeding arising under" the Interstate Commerce Act.[11] In 1947 this Court heard an appeal by the Brotherhood of Railroad Trainmen ("BRT")[12] from an order of the United States District Court for the Northern District of Illinois. That court had denied BRT's motion to intervene in a suit brought by one group of railroads against another group of railroads to enjoin an alleged violation of an operating condition attached by the ICC to its order approving the purchase of all stock in one railroad by another and the lease of a third railroad. BRT claimed a right of intervention in the court proceeding by virtue of then Section 17(11) of the Interstate Commerce Act (now 49 U.S.C. § 10328(a)). Certain railroads opposed BRT's intervention on the ground that Section 17(11) applied only to intervention before the Commission. The District Court denied BRT's motion without opinion. This Court in a unanimous decision held that Section 17(11) gave BRT, as a duly designated representative of employees of a railroad involved in the suit, an absolute right of intervention in that suit as it arose under the Interstate Commerce Act because "[t]he right of intervention granted to such a representative by § 17(11) applies to a court proceeding . . . [as] the plain language of § 17(11) extends its reach to '*any* proceeding

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[11] The wording quoted is that of the original language of 49 U.S.C. § 17(11) before it was recodified without change in substance in 1978 by Pub. L. No. 95-473, 92 Stat. 1337. The recodified language reads (49 U.S.C. 10328(a)): "in a proceeding arising under" the Act.

[12] BRT is now merged into UTU.

arising under this Act.'" *Brotherhood of Railroad Trainmen v. Baltimore & Ohio R.R.*, 331 U.S. 519, 526 (1947).

Ten years later a question again arose as to the standing of a representative of rail labor. At that time it was the RLEA whose standing was questioned in an appeal from a District Court order which had upheld an ICC ruling in separate cases brought by RLEA and the American Trucking Associations, Inc. ("ATA"). RLEA and ATA had filed separate appeals with the District Court seeking to overturn the ICC's refusal to place operating restrictions on a railroad's motor carrier subsidiary. When this Court noted jurisdiction it invited RLEA to discuss the issue of its standing to sue. At the outset of its opinion in the *ATA* case this Court said (355 U.S. at 144) (footnotes omitted):

> At the time we noted probable jurisdiction of the appeals, 352 U.S. 816 (1956), counsel in No. 8 were invited to discuss the issue of appellant's standing to sue. None of the parties now question that standing, and our examination of § 17(11) and § 205(h) of the Act leads us to conclude that appellants may properly bring this action. *See Brotherhood of R. Trainmen v. Baltimore & O. R. Co.*, 331 U.S. 519, (1947).

The decision of the Seventh Circuit directly contravenes the explicit unanimous decisions of this Court in the above cited cases for the right of intervention established by 49 U.S.C. § 10328(a) is not a conditional right. The right of intervention confers upon the intervenor the full rights of a party to the proceeding, including the right to challenge the merits of a carrier's application and to appeal from an adverse decision. *B&O*, 331 U.S. at 524, citing *Missouri-Kansas Pipeline Co. v. United States*, 312 U.S. 502, 508 (1941). RLEA, its affiliated union's and UTU have often intervened as full parties to merger and other proceedings before the ICC and opposed such

transactions on their *merits*,[13] and have often sought to have appellate courts set aside ICC orders approving the transactions which they opposed.[14] The decisions rendered by the Seventh Circuit would have, in many instances, deprived these statutory representatives of the right to protect the interests of employees directly impacted by ICC decisions from appealing those decisions to the courts.

The decisions also flout the clearly expressed will of the Congress as embodied in the Interstate Commerce Act. That Act has been amended extensively since this Court's decisions in the cited cases but the provisions of 49 U.S.C. § 17(11), now recodified as 49 U.S.C. § 10328(a), were not substantially changed. Presumably the Congress knew of and understood this Court's rulings on the meaning and effect of then Section 17(11) and adopted them. *Lorillard v. Pons*, 434 U.S. 575, 580-81 (1978).

The Seventh Circuit misapplied the "zone of interests" standard first addressed by this Court in *Association of Data Processing Service Organizations v. Camp*, 397 U.S. 150 (1970) and clarified in *Clarke v. Securities Industry Ass'n*, 479 U.S. 338 (1987). In neither of those cases did the party whose standing was challenged have the benefit of a statute which gave it an absolute right to intervene in any action arising under the governing statute, as is the case with the petitioner here. 49 U.S.C. § 10328(a). This Court's decision in *Warth v. Seldin*, 422 U.S. 490, 501 (1975), clearly indicates that where such a statutory right of intervention exists prudential considerations do not affect standing.

None of the parties in the cases relied upon by the Seventh Circuit had the benefit of an existing Supreme Court decision recognizing their standing; but here, the

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[13] *See e.g., Great Northern Pac. R.R.—Merger—Great Northern R.R.*, 328 I.C.C. 460 (1966).

[14] *Brotherhood of Maintenance of Way Employes v. United States*, 366 U.S. 169 (1961).

railroad employee representatives and their spokesmen, such as the RLEA, have been recognized by this Court as having the right to bring suit in their own names to appeal from and challenge an order of the Commission, as the petitioner does here. *American Trucking Associations, Inc. v. United States, supra,* 355 U.S. at 144.

Moreover, the "zone of interests" test utilized by the Seventh Circuit has never been applied to a party to whom Congress has granted an explicit right of intervention before the agency involved and the courts. *See Warth, supra.* To conclude, as the Seventh Circuit did here, that a party with such an express statutory right may not appeal an agency decision which would have an adverse impact upon it or those it represents contradicts the clear will of Congress and the decisions of this Court; and, defies common sense.

In any event, railroad employee representatives would be well within the "zone of interests" of the Interstate Commerce Act even if that prudential test were applicable to them. The Congress has gone to great lengths to ensure the protection of the interests of employees in all legislation affecting the railroad industry. In addition to providing employees with an absolute right of intervention in any proceeding arising under the Interstate Commerce Act, the Congress has required consideration of their specific interests in weighing the public interest considerations of a railroad merger, lease, trackage rights or stock control application. 49 U.S.C. § 11344(b)(1)(D).[15] In 1976 when Congress enacted the Railroad Revitalization and Regulatory Reform Act ("4R Act"), as its first step

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[15] At least one major merger application was denied, even though "appropriately conditioned", because of its effects upon the interests of employees and rail competition. *Great Northern Pac., supra,* 328 I.C.C. at 528. The merger was later approved by the Commission following further hearings and the execution of employee protection agreements which addressed the public interest considerations and made the merger consistent with the public interest. 331 I.C.C. 228 (1967).

toward railroad industry deregulation, it amended the Interstate Commerce Act to require increased employee protection in railroad consolidation cases (4R Act § 402 (a), 90 Stat. 62; 49 U.S.C. § 11347) and abandonment cases (4R Act § 802, 90 Stat. 127-28; 49 U.S.C. § 10903) and made mandatory the imposition of such protection in abandonments, as was the case in mergers.

Indeed, from the enactment of the Emergency Railroad Transportation Act of 1933, 48 Stat. 211, through the passage of the Staggers Rail Act of 1980, Pub. L. 96-448, 94 Stat. 1895, the Congress has been most solicitous and protective of the welfare of railroad employees. It is simply inconceivable that given the statutory evidence confronting it, the Seventh Circuit could decide that railroad employees and their representatives do not come within the "zone of interests" of the Interstate Commerce Act and therefore cannot appeal from an ICC order that impacts them adversely.

As explained above, rail employees have historically enjoyed the right to challenge, first before the Commission and then, if necessary, before the courts, the appropriateness of a rail carrier's economic proposal that may effect their jobs. This "right" arises from the fact that rail employees are a part of the "public interest" that the Interstate Commerce Act was designed to protect, as well as from the specific provisions of that Act that deal expressly with employee interests. The decisions by the Seventh Circuit ignore rail labor's public interest role, and instead, limit the right of rail employees to participate in ICC and subsequent review proceedings to those aspects of the ICC's consideration which deal with the imposition of conditions *after* the Commission has considered and decided the "public interest." The validity of this bifurcation of rail labor's historical and statutory right to participate in ICC-related proceedings which so directly affect employees, presents an issue that is crucial to rail employees. However, this issue has been de-

cided in such an obviously irrational manner by the Seventh Circuit, that this Court, essentially as an exercise of its supervisory power over the federal courts, should review these decisions.

II. THIS COURT SHOULD REVIEW THE DECISIONS BY THE SEVENTH CIRCUIT BECAUSE THOSE DECISIONS THREATEN TO DEPRIVE RAIL EMPLOYEES OF ACCESS TO THE FEDERAL COURTS TO CHALLENGE ICC ACTIONS THAT ARE CONTRARY TO THE COMMANDS OF THE ICA AND DEPRIVE EMPLOYEES OF EMPLOYMENT

An additional compelling reason for this Court to grant certiorari in this case is the need for restoration of order from the deepening chaos created by the Commission in railroad labor relations; a situation which worsens with each successive ICC decision. In *N&W v. ATDA*, *supra*, the Commission had held that Section 11341(a) of the Interstate Commerce Act, 49 U.S.C. § 11341(a), authorized it to modify existing collective bargaining rights and existing collective bargaining agreement rights of employees. As the Commission held in its *Maine Central* decision, so heavily relied upon in that consolidated case,[16] it "is that [ICC] order, not R[ailway] L[abor] A[ct] or WJPA [a collectively bargained employee protection agreement], that is to govern employee-management relations in connection with the approved transaction." [17] Yet in the instant case, according to the Seventh Circuit, as the ICC successfully argued to that court, employee representatives have no standing to challenge an ICC order which would result

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[16] *Maine Ceneral R.R.—Exemption from 49 U.S.C. 11342 and and 11343*, Finance Docket No. 30522 (September 16, 1985) (not printed), *aff'd per curiam sub nom. Railway Labor Executives' Ass'n v. ICC*, 812 F.2d 1443 (D.C. Cir. 1987) (table).

[17] *See* Brief for Union Respondents in *N&W v. ATDA*, Nos. 89-1027 and 89-1028, pp. 6-7.

in the deprivation of employment for certain employees they represent.

The ICC has now extended the effect of the Seventh Circuit's decisions by relying on them as authority to bar employee representatives in proceedings *before the ICC* from opposing railroad line abandonments on their merits. *Southern Pacific Transportation Co.—Abandonment Exemption—in Mineral County, NV*, Docket No. AB-12 (Sub-No. 124X), served January 23, 1991 (not printed). Abandonments and sales of lines of railroads are direct causes of job loss to employees. Indeed, while such transactions may or may not affect shippers and communities, they are economically devastating to employees as they deprive them of their employment; nothing can cause employees greater economic harm than that. To hold, as the Seventh Circuit has now held, that employees have no standing before the courts or the Commission to challenge the public interest aspects of such actions that could mean their economic devastation would be ludicrous were it not so tragic. This most recent ruling of the Commission provides graphic evidence of the chaos which pervades labor relations in the railroad industry as the direct result of the ICC's continuing intrusion upon the rights of railroad employees, an intrusion which the federal courts should review and, we submit, overrule.

The next logical, and rather obvious, step for the Commission would be to hold that although employees' statutory and contractual rights are subject to ICC rulings regarding them, the employees have no right to challenge before the Commission or the courts the merits of rulings on transactions which the carriers and the ICC assert justify the overruling of the employees' contractual and statutory rights. The employees must then hope that other courts will not agree with the Commission, as the Seventh Circuit did in this case, and will entertain rail labor's challenge to those ICC actions.

The need for immediate review by this Court of the Seventh Circuit's decision is acute given the clear indication of the ICC's intent to limit the participation of employee representatives before it to issues involving the imposition of conditions protecting employees' interest and the nature of those conditions only. The treatment of such issues by the ICC has become *pro forma*. Since 1982, the ICC has refused to impose conditions for the protection of employee interests in the exercise of its discretionary authority;[18] it imposes such conditions only when mandated to do so by statute; it considers the public interest obligation imposed by 49 U.S.C. § 11344 (b)(1)(D) to be satisfied by imposition of the minimum conditions required by 49 U.S.C. 11347;[19] and, it routinely provides specific formulae of conditions for specific types of cases, not because of the impact of that transaction on employees, but solely because of the subsection of the statute under which the carriers' application had been filed.[20]

Review of the Seventh Circuit's decision at this time is also particularly critical because of the Commission's contention that it can modify collective bargaining agreements and collective bargaining rights of employees under 49 U.S.C. § 11341(a) and its recent extension of the Seventh Circuit's decisions to cases pending before the Commission. Were that contention to be upheld by this Court in its pending consideration of *N&W v. ATDA*,

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[18] *Knox & Kane R.R.-Gettysburg R.R.-Petition for Exemption*, 366 I.C.C. 439 (1982).

[19] *Contra, Great Northern, etc., supra*, 328 I.C.C. at 528.

[20] *New York Dock Ry.—Control—Brooklyn Eastern District Term.*, 360 I.C.C. 60, *aff'd sub nom. New York Dock Ry. v. United States*, 609 F.2d 83 (2d Cir. 1979) (mergers and control); *Norfolk & Western Ry.—Trackage Rights—BN*, 354 I.C.C. 732 (1978), *modified, Mendocino Coast Ry.—Lease and Operate*, 360 I.C.C. 653 (1980) (leases); and *Oregon Short Line R.R.—Abandonment*, 360 I.C.C. 91 (1979) (abandonment).

supra, railroad employees would be confronted with the inability to oppose on public interest grounds transactions which would deprive them of employment and, when approved, would suffer modification or elimination of their contractual and statutory rights provided by the Railway Labor Act, 45 U.S.C. § 151, *et seq.* Such a result would thoroughly frustrate the Congress' policy in protecting the interests of railroad workers.

CONCLUSION

For the foregoing reasons, as well as those contained in the petition for certiorari, the Court should grant the petition for a writ of certiorari to review the decisions of the United States Court of Appeals for the Seventh Circuit.

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APPENDIX A

Railway Labor Executives' Association Member Organizations

American Railway & Airway Supervisors Association (Division of TCU);
American Train Dispatchers Association;
Brotherhood of Locomotive Engineers;
Brotherhood of Maintenance of Way Employes;
Brotherhood of Railroad Signalmen;
Brotherhood of Railway Carmen (Division of TCU);
Hotel Employees and Restaurant Employees International Union;
International Association of Machinists and Aerospace Workers;
International Brotherhood of Boilermakers, Iron Ship Builders, Blacksmiths, Forgers and Helpers;
International Brotherhood of Electrical Workers;
International Brotherhood of Firemen & Oilers;
International Longshoremen's Association;
National Marine Engineers' Beneficial Association;
Seafarers International Union of North America;
Sheet Metal Workers' International Association;
Transport Workers Union of America; and
Transportation•Communications International Union (TCU).